

FILED

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APR 23 2006

SUPERVISORY JUDGE
DISTRICT OF NEVADA

BY _____ DEPUTY

5 Attorneys for Plaintiff

6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8 IN THE MATTER OF THE SEARCH OF:)
9 The Residence Located at 12720) No. 3:06-MJ-0023-VPC
Buckthorne Lane, Reno, Nevada, and)
10 Storage Units 136, 140, 141, 142, and 143,) GOVERNMENT'S PARTIAL
Double R. Storage, 888 Maestro Drive,) COMPLIANCE WITH COURT
Reno, Nevada) ORDER OF APRIL 19, 2006
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14 COMES NOW, the United States of America, by and through DANIEL G. BOGDEN, United
15 States Attorney, and PAUL L. PUGLIESE, Assistant United States Attorney, and certifies that this
16 response is being filed in a timely manner.

17 In the Court's minute order of April 19, 2006, counsel for the parties were directed to file
18 briefing on four issues. The Government's response to the first issue is provided below. The
19 Government anticipates that the information provided in the redacted affidavits in support of search
20 warrants will provide Counsel for the Montgomerys with information that may be helpful in drafting
21 their briefings in response to the Court Order of April 19, 2006. As such, the Government does not
22 oppose allowing Counsel for the Montgomerys with an opportunity to supplement their filings, if
23 needed, provided the Government receives any matters for consideration by the Court no later than
24 1:30 p.m. on Tuesday, May 2, 2006.

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1 1. **Whether the affidavit accompanying the search warrant must remain sealed in its entirety**
2 **in order to further compelling government interests that cannot be served by less restrictive**
3 **means.**

4 Two separate affidavits were submitted by Special Agent Mike West to the Court in support
5 of six separate search warrants. The first affidavit was submitted on February 28, 2006, in support of
6 the application for search warrant in the matter of the search of 12720 Buckthorn Lanc, Reno,
7 Nevada. The second affidavit was submitted on March 3, 2006, in support of the applications for
8 five separate search warrants in the matters of the searches of Storage Units 136, 140, 141, 142, and
9 143, Double R Storage, 888 Maestro Drive, Reno, Nevada. This affidavit incorporated by direct
10 reference the contents of the February 28, 2006, affidavit and added additional information for
11 consideration by the Court.

12 In response to the Court's minute order of April 19, 2006, the two affidavits were reviewed
13 for material that may not be unsealed without the ill consequences identified in the Government's
14 Response to the Motion to Unseal, i.e., expose witnesses who have provided evidence regarding
15 potential criminal violations, identify investigative techniques being used in this matter prior to
16 completion of the investigation, interfere with the identification of other suspects, and interfere with
17 the recovery of equipment that may contain evidence of criminal violations. Such material has been
18 redacted and the remainder of the affidavits are being provided to the Court, separately, for approval
19 to release to Counsel for the Montgomerys.

20 Dated: April 28, 2006

21 Respectfully submitted,
22 DANIEL G. BOGDEN
23 United States Attorney

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25 PAUL L. PUGLIESE
26 Assistant United States Attorney

1 CERTIFICATE OF SERVICE

2 The undersigned hereby certifies that she is an employee in the office of the United States
3 Attorney for the District of Nevada and is a person of such age and discretion as to be competent to serve
4 papers. That on April 28, 2006, she served a copy of the attached response by facsimile to the person
5 hereinafter named, at the number below, which is the last known facsimile number.

6 Michael J. Flynn, Esq.
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9 Fax: 888-235-4279
10 Counsel for Dennis and Brenda Montgomery and the Montgomery Family Trust

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12 DIANA SMITH

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